UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:15-cr-00068-MOC

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
DAVID EDWARDS,)	
T 0 1)	
Defendant.)	

THIS MATTER is before the court on the government's "Notice of Intent and Motion" (#70), in which the government provides notice of its intent not to use certain evidence in the prosecution of Defendant's case and moves to cancel the suppression hearing scheduled for January 4, 2016 regarding Defendant's Motion to Suppress (#55). By its notice, the government has stated on the record that it will not seek to introduce any evidence collected from the defendant's hotel room on August 6, 2015 at any trial in this matter or seek to hold Defendant accountable for any evidence collected from Defendant's hotel room in any plea agreement or factual basis filed in this matter or at sentencing. Considering that such evidence was the subject of Defendant's Motion to Suppress (#55), and that the government has informed the court that it will not be attempting to use such evidence against Defendant in this matter, and in light of the fact that defense counsel does not object to the government's motion to cancel the suppression hearing, the court will so cancel the hearing and deny Defendant's Motion to Suppress as Moot. The court therefore enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that to the extent that the government moves in its "Notice of Intent and Motion" (#70) to cancel the suppression hearing in this matter, such motion is **GRANTED**, and the Clerk of Court is respectfully requested to **CANCEL** the hearing scheduled for 11:30 a.m. on January 4, 2016 regarding Defendant's Motion to Suppress (#55).

IT IS FURTHER ORDERED that for the reasons stated herein and in the government's motion, Defendant's Motion to Suppress (#55) is **DENIED AS MOOT**.

Signed: December 31, 2015

United States District Judge